

JS 44 (Rev. 12/12)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Malibu Media, LLC

**DEFENDANTS**

JOHN DOE subscriber assigned IP address 72.92.86.190

(b) County of Residence of First Listed Plaintiff Los Angeles County, CA  
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Montgomery County  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Fiore & Barber, LLC, 425 Main Street, Suite 200, Harleysville, PA, 19438  
(215) 256-0205

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
17 U.S.C. §101

Brief description of cause:  
Copyright Infringement

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$  
150,000.00

CHECK YES only if demanded in complaint.  
JURY DEMAND: ☒ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.  
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

Malibu Media, LLC	:	CIVIL ACTION
	:	
v.	:	
	:	
John Doe subscriber assigned IP 72.92.86.190	:	NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) (X)
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ( )

<u>5/21/13</u>	<u>Christopher P. Fiore</u>	<u>Plaintiff</u>
<b>Date</b>	<b>Attorney-at-law</b>	<b>Attorney for</b>
<u>(215) 256-0205</u>	<u>(215) 256-9205</u>	<u>CFiore@FioreBarber.com</u>
<b>Telephone</b>	<b>FAX Number</b>	<b>E-Mail Address</b>

## UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 409 W. Olympic Blvd., Suite 501, Los Angeles, CA, 90015

Address of Defendant: John Doe subscriber assigned IP address 72.92.86.190 - Ambler, PA

Place of Accident, Incident or Transaction: All infringements occurred within this jurisdictional district.  
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?  
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities? Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases  
(Please specify) \_\_\_\_\_

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases  
(Please specify) \_\_\_\_\_

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Christopher P. Fiore, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: 5/20/13

[Signature]  
Attorney-at-Law

83018

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Attorney-at-Law

\_\_\_\_\_  
Attorney I.D.#

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

-----X		
MALIBU MEDIA, LLC,	:	
	:	
Plaintiff,	:	Civil Action No. _____
	:	
vs.	:	
	:	
JOHN DOE subscriber assigned IP address	:	
72.92.86.190,	:	
	:	
Defendant.	:	
-----X		

**COMPLAINT-ACTION FOR DAMAGES FOR  
PROPERTY RIGHTS INFRINGEMENT**

Plaintiff, Malibu Media, LLC, sues Defendant John Doe subscriber assigned IP address 72.92.86.190, and alleges:

**Introduction**

1. This matter arises under the United States Copyright Act of 1976, as amended, 17 U.S.C. §§ 101 et seq. (the "Copyright Act").
2. Defendant is a persistent online infringer of Plaintiff's copyrights. Indeed, Defendant's IP address as set forth on Exhibit A was used to illegally distribute each of the copyrighted movies set forth on Exhibit B.
3. Plaintiff is the registered owner of the copyrights set forth on Exhibit B (the "Copyrights-in-Suit.")

**Jurisdiction And Venue**

4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question); and 28 U.S.C. § 1338 (patents, copyrights, trademarks and unfair competition).

5. The Defendant's acts of copyright infringement occurred using an Internet Protocol address ("IP address") traced to a physical address located within this District, and therefore this Court has personal jurisdiction over the Defendant because (a) Defendant committed the tortious conduct alleged in this Complaint in this State, and (i) Defendant resides in this State and/or (ii) Defendant has engaged in substantial and not isolated business activity in this State.

6. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) and (c), because: (i) a substantial part of the events or omissions giving rise to the claims occurred in this District; and, (ii) the Defendant resides (and therefore can be found) in this District and resides in this State; additionally, venue is proper in this District pursuant 28 U.S.C. § 1400(a) (venue for copyright cases) because each Defendant or Defendant's agent resides or may be found in this District.

**Parties**

7. Plaintiff, Malibu Media, LLC, is a limited liability company organized and existing under the laws of the State of California and has its principal place of business located at 409 W. Olympic Blvd., Suite 501, Los Angeles, CA, 90015.

8. Plaintiff only knows Defendant by his, her or its IP Address. Defendant's IP address is set forth on Exhibit A.

9. Defendant's Internet Service Provider can identify the Defendant.



**Factual Background**

*I. Defendant Used the BitTorrent File Distribution Network To Infringe Plaintiff's Copyrights*

10. The BitTorrent file distribution network (“BitTorrent”) is one of the most common peer-to-peer file sharing venues used for distributing large amounts of data, including, but not limited to, digital movie files.

11. BitTorrent’s popularity stems from the ability of users to directly interact with each other in order to distribute a large file without creating a heavy load on any individual source computer and/or network. The methodology of BitTorrent allows users to interact directly with each other, thus avoiding the need for intermediary host websites which are subject to DMCA take down notices and potential regulatory enforcement actions.

12. In order to distribute a large file, the BitTorrent protocol breaks a file into many small pieces called bits. Users then exchange these small bits amongst each other instead of attempting to distribute a much larger digital file.

13. After the infringer receives all of the bits of a digital media file, the infringer’s BitTorrent client software reassembles the bits so that the file may be opened and utilized.

14. Each bit of a BitTorrent file is assigned a unique cryptographic hash value.

15. The cryptographic hash value of the bit (“bit hash”) acts as that bit’s unique digital fingerprint. Every digital file has one single possible cryptographic hash value correlating to it. The BitTorrent protocol utilizes cryptographic hash values to ensure each bit is properly routed amongst BitTorrent users as they engage in file sharing.

16. The entirety of the digital media file also has a unique cryptographic hash value (“file hash”), which acts as a digital fingerprint identifying the digital media file (e.g. a movie). Once infringers complete downloading all bits which comprise a digital media file, the

BitTorrent software uses the file hash to determine that the file is complete and accurate.

17. Plaintiff's investigator, IPP Limited, established a direct TCP/IP connection with the Defendant's IP address as set forth on Exhibit A.

18. IPP Limited downloaded from Defendant one or more bits of each of the digital movie files identified by the file hashes on Exhibit A.

19. Each of the cryptographic file hashes as set forth on Exhibit A correlates to copyrighted movies owned by Plaintiff as identified on Exhibit B.

20. IPP Limited downloaded from Defendant one of more bits of each file has listed in Exhibit A. IPP Limited further downloaded a full copy of each file hash from the BitTorrent file distribution network and confirmed through independent calculation that the file hash matched what is listed on Exhibit A. IPP Limited then verified that the digital media file correlating to each file hash listed on Exhibit A contained a copy of a movie which is identical (or alternatively, strikingly similar or substantially similar) to the movie associated with that file hash on Exhibit A. At no time did IPP Limited upload Plaintiff's copyrighted content to any other BitTorrent user.

21. IPP Limited downloaded from Defendant one or more bits of each digital media file as identified by its hash value on Exhibit A. The most recent TCP/IP connection between IPP and the Defendant's IP address for each file hash listed on Exhibit A is included within the column labeled Hit Date UTC. UTC refers to Universal Time which is utilized for air traffic control as well as computer forensic purposes.

22. An overview of the Copyrights-in-Suit, including each hit date, date of first publication, registration date, and registration number issued by the United States Copyright Office is set forth on Exhibit B.



23. IPP Limited has also engaged in enhanced surveillance of other digital media files being distributed by Defendant. The results of this more intensive surveillance are outlined in Exhibit C. The Copyrights-in-Suit are solely limited to content owned by Plaintiff as outlined in Exhibit B. Exhibit C is provided for evidentiary purposes only.

24. As the subscriber in control of the IP address being used to distribute Plaintiff's copyrighted movies, Defendant is the most likely infringer. Consequently, Plaintiff hereby alleges Defendant is the infringer. Plaintiff has included as Exhibit D a solicitation of exculpatory evidence in the event that Defendant chooses to deny the allegations.

25. Defendant is the only person who can be identified as the infringer at this time.

**Miscellaneous**

26. All conditions precedent to bringing this action have occurred or been waived.

27. Plaintiff has retained counsel and is obligated to pay said counsel a reasonable fee for its services.

**COUNT I**  
**Direct Infringement Against Defendant**

28. The allegations contained in paragraphs 1-27 are hereby re-alleged as if fully set forth herein.

29. Plaintiff is the owner of the Copyrights-in-Suit, as outlined in Exhibit B, each of which covers an original work of authorship.

30. By using BitTorrent, Defendant copied and distributed the constituent elements of each of the original works covered by the Copyrights-in-Suit.

31. Plaintiff did not authorize, permit or consent to Defendant's distribution of its works.

32. As a result of the foregoing, Defendant violated Plaintiff's exclusive right to:

- (A) Reproduce the works in copies, in violation of 17 U.S.C. §§ 106(1) and 501;
- (B) Redistribute copies of the works to the public by sale or other transfer of ownership, or by rental, lease or lending, in violation of 17 U.S.C. §§ 106(3) and 501;
- (C) Perform the copyrighted works, in violation of 17 U.S.C. §§ 106(4) and 501, by showing the works' images in any sequence and/or by making the sounds accompanying the works audible and transmitting said performance of the works, by means of a device or process, to members of the public capable of receiving the display (as set forth in 17 U.S.C. § 101's definitions of "perform" and "publically" perform); and
- (D) Display the copyrighted works, in violation of 17 U.S.C. §§ 106(5) and 501, by showing individual images of the works nonsequentially and transmitting said display of the works by means of a device or process to members of the public capable of receiving the display (as set forth in 17 U.S.C. § 101's definition of "publically" display).

33. Defendant's infringements were committed "willfully" within the meaning of 17 U.S.C. § 504(c)(2).

WHEREFORE, Plaintiff respectfully requests that the Court:

- (A) Permanently enjoin Defendant and all other persons who are in active concert or participation with Defendant from continuing to infringe Plaintiff's copyrighted works;
- (B) Order that Defendant delete and permanently remove the digital media files relating to Plaintiff's works from each of the computers under Defendant's possession, custody or control;
- (C) Order that Defendant delete and permanently remove the infringing copies of the works Defendant has on computers under Defendant's possession, custody or control;

(D) Award Plaintiff statutory damages in the amount of \$150,000 per infringed Work pursuant to 17 U.S.C. § 504-(a) and (c);

(E) Award Plaintiff its reasonable attorneys' fees and costs pursuant to 17 U.S.C. § 505; and

(F) Grant Plaintiff any other and further relief this Court deems just and proper.

**DEMAND FOR A JURY TRIAL**

Plaintiff hereby demands a trial by jury on all issues so triable.

Respectfully submitted,

FIORE & BARBER, LLC

By: 

\_\_\_\_\_  
Christopher P. Fiore, Esquire  
Aman M. Barber, III, Esquire  
Attorneys for Plaintiff  
425 Main Street, Suite 200  
Harleysville, PA 19438  
Tel: (215) 256-0205  
Fax: (215) 256-9205  
Email: [cfiore@fiorebarber.com](mailto:cfiore@fiorebarber.com)



ISP: Verizon FiOS

Physical Location: Ambler, PA

Hit Date UTC	File Hash	Title
04/11/2013 21:07:42	8347F054CEFAF38A95435CA9C94F2B1DDD2D27AF	Slow Motion
03/26/2013 23:10:52	5C484A7003F92598EEDF762092D0C7D41CD794E9	Yoga Master and Student
03/26/2013 22:57:12	B085F73211227C267D392236969618D43E8C6C49	Connie True Love
03/26/2013 22:50:06	271AF0B34BACB60E7B8820AC062C0868DF3CD2B8	Sacred Romance
03/26/2013 22:38:23	FFED3465CB0EEF5A3227424C8B0D31CF63BF76DB	Black and White
03/26/2013 22:25:10	65FE8BDB2A66827CB26D689DE18486DEC3B8AEC7	Late for Work
03/26/2013 22:21:30	E9888EFD9A8CD2B243FF9F4F7428FF0310049484	Afternoon Snack
03/26/2013 22:16:04	E52F3EF3AE1909D8846DDA073D524E5EC7519895	Mad Passion
03/26/2013 22:14:43	149B621A7854AD4251012BDA94681F3C21D72DE8	Unbelievably Beautiful
03/26/2013 22:07:19	229D233BDEBFCB6186E189C9B1B9FB3951855745	After Hours
03/26/2013 21:25:12	3CBE40E75A4B78315F21C16928CFFC5117942228	Perfect Together
03/26/2013 21:00:35	6970F9BD4DD7399AA906AF8903F1D9D0BD83C05B	Circles of Bliss
03/19/2013 09:40:51	3B0ADE358E77D4DF048E956B4EFD3D6366269D5D	Inside Perfection
03/19/2013 09:22:42	2834E4C4B376E6F2BAF4DC501C93E0CF4F2AB6F3	Spilled Milk
03/19/2013 08:24:36	E6294783973F73A65725A7646BD3040EFB35C790	Leila Sex on the Beach
03/19/2013 08:17:34	B5A57CD035598D39FD3552354C196C2CD9EB1E35	Red Satin
03/19/2013 08:07:02	E08C7D67052512D7D1CF4AC1EC3468E7D9B266BE	Tiffany Teenagers in Love
03/19/2013 06:57:30	59448198C43090645093E37289900D8EBB4D4D04	Veronica Wet Orgasm
03/18/2013 02:10:47	2CB00C235792C6D9BF5EFD3373043B163AAB2F03	Young and Hot
03/15/2013 01:04:25	6D294471F6134D1DC8521AC5960DCD850CECD20A	Seeing Double
03/09/2013 08:42:00	AC44BD2FC75996D6918F94E9E85828A7A01BF5B8	Naughty and Nice
03/02/2013 10:24:50	5A353F323DFDDB90699C3E4F451CD22CF798F873	Leila Faye Awesome Threesome

Total Statutory Claims Against Defendant: 22

EXHIBIT A

EPA151

## Copyrights-In-Suit for IP Address 72.92.86.190

ISP: Verizon FiOS

Location: Ambler, PA

Title	Registration Number	Date of First Publication	Registration Date	Most Recent Hit UTC
After Hours	PA0001780461	11/21/2011	03/10/2012	03/26/2013
Afternoon Snack	PENDING	02/23/2013	02/28/2013	03/26/2013
Black and White	PA0001831226	02/22/2013	03/07/2013	03/26/2013
Circles of Bliss	PA0001833297	03/20/2013	04/01/2013	03/26/2013
Connie True Love	PA0001775903	02/08/2012	02/17/2012	03/26/2013
Inside Perfection	PA0001817756	12/02/2012	12/16/2012	03/19/2013
Late for Work	PA0001833360	03/15/2013	04/12/2013	03/26/2013
Leila Faye Awesome Threesome	PA0001776804	02/02/2011	02/21/2012	03/02/2013
Leila Sex on the Beach	PA0001762083	12/22/2010	11/21/2011	03/19/2013
Mad Passion	PA0001831083	02/28/2013	03/12/2013	03/26/2013
Naughty and Nice	PA0001819290	12/25/2012	12/31/2012	03/09/2013
Perfect Together	PA0001805262	08/29/2012	09/19/2012	03/26/2013
Red Satin	PA0001828892	03/06/2013	03/12/2013	03/19/2013
Sacred Romance	PA0001825721	02/07/2013	02/07/2013	03/26/2013
Seeing Double	PA0001824840	02/02/2013	02/07/2013	03/15/2013
Slow Motion	PA0001787875	04/22/2012	04/23/2012	04/11/2013
Spilled Milk	PA0001833299	03/08/2013	04/01/2013	03/19/2013
Tiffany Teenagers in Love	PA0001762019	12/29/2010	11/20/2011	03/19/2013
Unbelievably Beautiful	PA0001805315	08/24/2012	09/10/2012	03/26/2013
Veronica Wet Orgasm	PA0001762412	10/05/2011	11/23/2011	03/19/2013
Yoga Master and Student	PA0001822651	01/18/2013	01/27/2013	03/26/2013
Young and Hot	PA0001794969	06/06/2012	06/08/2012	03/18/2013

EXHIBIT B

EPA151

Total Malibu Media, LLC Copyrights Infringed: 22

EXHIBIT B



## Expanded Surveillance of IP Address 72.92.86.190

ISP: Verizon FiOS

Location: Ambler, PA

Hit Date UTC	Filename
04/24/2013	Teens With Tits 16 XXX DVDRip NEW (2013).mp4
04/24/2013	2k
04/23/2013	Crystal Ball - 2005 - Time Walker
04/23/2013	The ABCs of Death 2013 DVDRip Xvid x264-ENYER
04/23/2013	TeenBurg.Sanita
04/23/2013	Too.Big.For.Teens.11.XXX.DVDRip.x264-DivXfacTory[rarbg]
04/23/2013	Party Girls
04/23/2013	kmd-pvrg.mp4
04/23/2013	Sauna.Girls.XXX.DVDRip.XviD-Jiggly
04/23/2013	Jumbo Muschis und Teenie Titten.avi
04/23/2013	Chubby Teens #1.avi
04/23/2013	Tiny_Tit_Teens_5_XXX_DVDRip_[torrents.ru]
04/23/2013	Purzel.Video.German.Girls.2
04/23/2013	Teens.In.Tight.Jeans.3.2013.XXX.DVDRip.x264-PrOnStarS
04/23/2013	Teen.Cum.Dumpsters.3.XXX.DVDRip.XviD-DivXfacTory
04/23/2013	Teenage Inzest.avi
04/23/2013	xxxHOLiC Drama - 07 (WOWOW 1920x1080 MPEG2 AAC).ts
04/22/2013	Teatrietendus. Augustikuu teemaja.mp4
04/22/2013	Windows 8 Start Screen Customizer v1.3.6
04/22/2013	Brazzers.Live.1.XXX.720p.MP4-IEVA[rbg]
04/22/2013	GirlsDoPorn.E200.21.Years.Old.XXX.720p.WMV-KTR[rarbg]
04/22/2013	prnfile1975x.mp4

EXHIBIT C

EPA151

Hit Date UTC	Filename
04/22/2013	Escapee (V.O.S.E) 2011 DVDRip Xvid Mp3 Amelina.avi
04/22/2013	Norton Antivirus 2013 + Key.zip
04/16/2013	WowPorn - Cream My Pretty Face - Staci [720p].mp4
04/16/2013	Trinity.St.Clair.Cum.All.Over.Her.tits.Tugjobs.2013.HD_iyutero.com.mp4
04/16/2013	full_moon_big.mp4
04/16/2013	Tight Lil Teen Sluts 3 XXX DVDRip NW (2013).mp4
04/16/2013	Moxy Früvous
04/16/2013	ps-teenrebel.mp4
04/16/2013	Best_Of_Teenie3.avi
04/16/2013	Teens.Like.It.Big.2.XXX.DVDRip.XviD-FLESHLiGHT
04/16/2013	Private - Anal Russian Teens Love Creampies [720p].mp4
04/16/2013	The.Knights.of.Prosperty.S01E08.HDTV.XviD-XOR
04/16/2013	Teens O Poppin 4
04/16/2013	Alyssa_Cream_My_Belly_SD-chkm8te.mp4
04/16/2013	[RevA]_Pale_Cocoon_[E2B44CEA].avi
04/16/2013	Paperboy (2012) FRENCH DVDRip XviD - PublicHD
04/16/2013	Cream.In.My.Teen.3.XXX.DVDRip.x264-XCiTE
04/16/2013	TugJobHoneys.13.01.09.Melanie.Hicks.Amazing.Tits.XXX.720p.MP4-KTR
04/16/2013	The Best Of Lusty Teens 2 (2006) (Seventeen Video) (756MB)
04/15/2013	sma-669.wmv
04/15/2013	Gmail Notifier Pro V4.5.1 Setup with KeyGen.rar
04/15/2013	Melanie_Rios_Karupsha.mp4
04/15/2013	handjob hunnies 8[SILVERDUST]
04/15/2013	Tugjobs.13.02.04.Man.Handled.By.Eva.Karera.XXX.720p.x264-SEXORS[rarbg]
04/15/2013	Cream.Pie.Hunnies.2.XXX
04/15/2013	Tugjobs.13.01.28.Rachel.Starr.Tugs.It.XXX.720p.x264-SEXORS

EXHIBIT C

Hit Date UTC	Filename
04/15/2013	rm11437_1500.mp4
04/15/2013	Handjob.Hunnies.6.XXX.WEBRIP.x264-SBT[rarbg]
04/15/2013	WifeCrazy.13.03.22.Coconut.Oil.Handjob.XXX.WMV-YAPG[rarbg]
04/12/2013	Nitca_Nubiles_Hardcore.avi
04/12/2013	Savina_Nubiles_Hardcore.avi
04/12/2013	100% Pure Amateur Teens #18
04/12/2013	Shes.Only.18.6.XXX.DVDRip.x264-UPPERCUT
04/12/2013	X-Art - Slow Motion - Erica [1080p].mov
04/12/2013	WowGirls - Eastern Treasure - Leila [1080p].mp4
04/12/2013	Sabrina_Taylor_Nubiles_Hardcore.avi
04/12/2013	WowGirls - Horny Fuck After School - Paula Shy [720p].mp4
04/12/2013	LollyPop - Love These Lips.mp4
04/12/2013	Erica_SD.mp4
04/12/2013	RealExGirlfriends - Freaky Ex With Perfect Body - Victoria Rae Black.mp4
04/12/2013	Misti_Love_Nubiles_Hardcore.avi
04/12/2013	BangBus - Only 18 about to film her first porno without knowing it - Gulliana Alexis.mp4
04/12/2013	WowGirls.13.03.31.Anita.E.Exposing.My.Kitty.XXX.1080p.MP4-KTR[rarbg]
04/12/2013	WowGirls - Lesbian Dreams - Denisa Heaven.Milagres
04/12/2013	Aimee Ryan_Nikol_Awesome_Threesome_SD.mp4
04/12/2013	Riley.Reid.Staci.Fruity.Cuties.WowGirls.2013.HD_iyutero.com.mp4
04/12/2013	WowGirls - Sunday Morning - Anjelica [1080p].mp4
04/10/2013	prnfle1950x.avi
04/10/2013	My.Sexy.Kittens.70.XXX.DVDRip.XviD-UPPERCUT
04/10/2013	I Came Inside A Black Girl 2012 XXX
04/10/2013	prnfle1968x
04/10/2013	Black Nurse Fantasies XXX DVDRip Split

EXHIBIT C